

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13561, of Ronald M. and Glenna K. Haynie, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the side yard requirements (Sub-section 3305.1) and the open court width requirements (Sub-section 3306.1) for a proposed side addition to an existing detached dwelling in an R-1-B District at the premises 4811 Hutchins Place, N.W., (Square 1387, Lots 47 and 48).

HEARING DATE: September 23, 1981

DECISION DATE: October 7, 1981

FINDINGS OF FACT:

1. The subject property is located in an R-1-B District on the northwest side of Hutchins Place, N.W. southwest of its intersection with Reservoir Road and MacArthur Boulevard.

2. The subject property consists of two record lots, 47 and 48. Each lot is twenty-five feet wide and between 145 and 150 feet deep.

3. The subject property is improved with a one story, detached frame single family dwelling. The building is located on the center of the property and straddles the lot line dividing lots 47 and 48. The existing building was constructed in 1929.

4. There is also a poured concrete accessory building located in the rear yard. The applicants use this building as an artist's studio. No change is proposed to the accessory building as a result of this application.

5. The existing house is 16.3 feet wide and 39.5 feet deep. The house has only one bedroom, a living room, a dining room, a kitchen, a bathroom and a hall which has been temporarily converted to a child's bedroom. The house has only 644 square feet of living area, is extremely small and is functionally inefficient. There is a cellar used for storage and laundry facilities.

6. The applicant proposes to renovate the house and construct a one story addition on the northeast side of the existing building. The addition would contain an entry hall, two bedrooms, and a bathroom. The existing living and dining rooms will be combined into one living room. The existing bedroom will become a den, the kitchen and bathroom will remain and the child's room will be reconverted to a hall.

7. The existing building has side yards of 16.1 feet on the northwest side and 17.6 feet on the northeast side.

8. The addition at its widest point is 16.5 feet. This reduces the side yard to a width of 1.1 feet on the northeast side. The Zoning Regulations require a minimum side yard width of eight feet. A variance of 6.9 feet is required.

9. The addition has a court at the rear between the new master bedroom and the portion of the existing house containing the kitchen. The court is 4.5 feet wide and five feet deep. The Zoning Regulations require a court, if provided, to have a minimum width of six feet. The applicant seeks a court width variance of 1.5 feet.

10. The open court setback was provided to avoid blocking off a window into the existing kitchen.

11. If the side yard requirements were respected, the applicants would be limited to an addition having a width of only nine feet. The rooms of such an addition would be inappropriately sized.

12. It is impractical to locate an addition at the front of or behind the house, because of the narrow width of the existing dwelling.

13. The level of the yard at the northeast side lot line is appropriately two feet lower than the grade adjacent to the existing building. The level of the adjacent yard to the northeast is approximately two feet higher than the subject property. The subject addition will be constructed on a slab with no basement. There is an existing, ten to twelve foot high screen of bamboo plants along that property line.

14. The northeast side of the existing building is the most appropriate and most practical location for an addition to the subject property.

15. Advisory Neighborhood Commission - 3D, by letter dated July 30, 1981, advised the Board that it had no objections to approval of the application. No reasons for the support were stated.

16. Several residents and owners of property along Hutchins Place appeared at the hearing and/or submitted letters and a petition to the record in support of the application. These persons in support stated that the proposed addition was architecturally compatible with the area, that the addition would not adversely affect the adjoining property, that the view from the rear of the adjoining building would not be greatly affected and that natural plantings will tend to screen the addition. The Board so finds.

17. The owner of one of the abutting properties to the north-east, a four unit apartment house located at 4836 Reservoir Road, opposed the application on the grounds that the proposed construction would restrict available light and air and would create an unsightly appearance. Based on the circumstances disclosed in Finding of Fact No. 13, the Board disagrees. The proposed addition will have, if any, a minimal affect on light and air, is designed to be compatible with the rest of the house, and is located in the most appropriate place on the lot.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the requested variances are area variances, the granting of which requires the showing of an exceptional or extraordinary condition of the property which creates a practical difficulty for the owner. The Board concludes that the location of the building on the center of the lot and the extremely small size of the existing building creates an exceptional condition for this property. strict application of the regulations would prevent the applicants from building a reasonably sized and appropriately located addition to make the existing house into a functional single family dwelling. There is no practical alternative for the location of the addition. The applicants would suffer a practical difficulty in having to live within the confines of the existing building if the variance is not granted. The location of the existing kitchen window and the desire to continue to provide light and ventilation for the kitchen through that window together justify the need for the open court variance.

The Board has carefully considered the objections raised by the abutting property owner. The Board concludes that the record reflects that a variety of factors tends to reduce the impact of the proposed addition on the adjoining property. The Board concludes that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and maps.

The Board concludes that it has accorded to the ANC the "great weight" to which it is entitled. It is therefore ORDERED that the application is GRANTED.

VOTE: 5-0 (Charles R. Norris, William F. McIntosh, Connie Fortune, Walter B. Lewis and Douglas J. Patton to GRANT).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


STEVEN E. SHER
Executive Director

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FINAL DATE OF ORDER: 17 NOV 1981

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.